

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

NEW YORK MARINE AND
GENERAL INSURANCE
COMPANY,

Plaintiff,

vs.

JUNKERMIER, CLARK,
CAMPANELLA, STEVENS, P.C.,
DRAGGIN' Y CATTLE COMPANY
INC., and ROGER and CARRIE
PETERS, individuals,

Defendants.

DRAGGIN' Y CATTLE COMPANY,
INC., and ROGER and CARRIE
PETERS, individuals,

Plaintiffs,

vs.

JUNKERMIER, CLARK,
CAMPANELLA, STEVENS, P.C.,

Defendant/Third-
Party Plaintiff

vs.

**CV-14-83-BMM
CV-19-34-BMM**

ORDER

NEW YORK MARINE AND
GENERAL INSURANCE
COMPANY,

Intervenor/Third-
Party Defendant.

New York Marine and General Insurance Company (“NYM”) issued subpoenas to take the deposition of Thomas A. Marra (“Marra”) and Kirk D. Evenson (“Evenson”) on June 18, 2019. (Doc. 335-1.) NYM also requested documents related to communications between Marra and Evenson and counsel for the parties in these two consolidated cases. (*Id.*) Marra and Evenson filed a motion to quash the subpoenas and requests for documents. (Doc. 334.) This Court heard arguments about this motion at a hearing on September 10, 2019. (Doc. 379.) This Court denied that motion to quash the subpoenas and requests for documents. It also ordered Marra and Evenson to produce a privilege log of any documents allegedly protected by attorney-client privilege by October 30, 2019. (*Id.*)

Junkermier, Clark, Campanella, Stevens, P.C. (“JCCS”) and Marra and Evenson filed a petition for writ of mandamus or other appropriate relief with the Ninth Circuit a month after the September 10, 2019 hearing. (Doc. 403.) The writ asked the Court to overturn this Court’s decision related to attorney-client privilege

and the privilege log. JCCS, Marra, and Evenson also asked the Ninth Circuit to stay this Court's October 30, 2019 deadline. The Ninth Circuit denied all requested relief on October 21, 2019.

ORDER

For the reasons stated in open court on September 10, 2019, IT IS ORDERED that Marra and Evenson's motion to quash amended subpoenas to testify at a deposition in a civil action and document requests (Doc. 334) is DENIED. The parties are to comply with this Court's ruling at the September 10, 2019 hearing. Marra and Evenson must produce the relevant documents and file their privilege log by October 30, 2019.

DATED this 22nd day of October, 2019.



Brian Morris
United States District Court Judge